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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/709,110

04/14/2004

John Wiedel

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23589 7590 02/22/2007  
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EXAMINER

NGUYEN, JIMMY T

ART UNIT

PAPER NUMBER

3725

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/22/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/709,110

Applicant(s)

WIEDEL, JOHN

Examiner

Jimmy T. Nguyen

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-14 is/are rejected.
- 7) ☒ Claim(s) 15-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 3/18/05
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of Group II (claims 11-18) in the reply filed on January 26, 2007 is acknowledged, an action on the merits follows.

### ***Information Disclosure Statement***

Receipt is acknowledged of an Information Disclosure Statement (I.D.S.), filed March 18, 2005, which I.D.S. has been placed of record in the file. An initialed, signed, and dated copy of the form PTO-1449 is attached to this Office action.

### ***Specification***

The disclosure is objected to because of the following informalities:

In paragraph 5, line 2, numeral "4,777,554" appears to be a typo error and it should be changed to --- 4,577,554 ---- as to this reference number is being disclosed in the I.D.S. filed March 18, 2005 and it is related to the instant invention.

In paragraph 62, line 15, numeral "334" appears to be a typo error and it should be changed to --- 344 ---- as to this number is dedicated to the spring as shown in figure 9.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Brouse (US 4,577,554).**

Brouse discloses a knotting device (12) including a knotting assembly (fig. 7) having a gripper (118), a rotatable knoter (56 and fig. 4) operable to twist knot two adjacent wire sections (30, 32)), a cutting element (80, 82 and fig. 5), and a shiftable cover (60) located adjacent the knoter (fig. 7) for maintain the wire sections within the knoter during feeding of the wire sections (fig. 6) and thereafter movable to a wire clearing position permitting passage of the twisted knotted wire sections from the knoter (col. 6, lines 62-67), an operator assembly (38) for timed operation of the gripper (col. 6, line 53 to col. 7, line 2. Note that this paragraph discloses that a reverse rotation of the operator assembly (38) (col. 6, line 55) also leads to an operation of the gripper (col. 7, lines 1-2), the knoter (col. 5, lines 1-29), the cutting element (col. 5, line 63- col. 6, line 3), and the cover (col. 6, lines 54-67), a single drive assembly (36) coupled with the operator assembly (fig. 2) for affecting the timed operation.

Regarding claim 12, the drive assembly comprising a piston and cylinder assembly (48) including a reciprocating piston rod (fig. 2) operable connected with the operator assembly (fig. 2).

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Regarding claim 13, the operator assembly including a pivotal shaft assembly (38) carrying operator bodies for the gripper, knotter, cutting element and cover. Note that the Examiner defined the operator bodies are the elements that are operable connected the shaft assembly to the gripper, knotter, cutting element and cover such as (64, 80, 84, 92, 112 ..).

Regarding claim 14, the cover (60) is attached to a mount for pivotal movement (col. 6, lines 64-67), and the cover including a spring (117) operably coupled to the mount (fig. 5) for biasing the cover to a wire maintain position (fig. 5), the cover operator body (112) configured to engage the cover mount (col. 6, lines 62-67) to move the cover.

#### ***Allowable Subject Matter***

Claims 15-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 15, the claim is allowable because the cover (60) of Brouse is not capable to pivot through an arc of at least about 90 degree (see figure 5) and there is no reason for Brouse to pivot the cover through an arc of at least about 90 degree.

#### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art listed on the attached PTO 892 are cited to show relevant knotting assembly.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T. Nguyen whose telephone number is (571) 272-4520. The examiner can normally be reached on Monday-Thursday 7:30am-5:00pm with alternating Friday 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lowell Larson can be reached on (571) 272- 4519. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JTNguyen  
February 08, 2007

  
JIMMY T. NGUYEN  
EXAMINER - AU 3725